IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants: D. Schneidewend et al.   Examiner: Jason P. Salce

Serial No: 09/190,309   Group Art Unit: 2421

Filed: November 12, 1998   Docket: RCA89041

For: A SYSTEM FOR PROCESSING PROGRAMS AND SYSTEM TIMING
      INFORMATION DERIVED FROM MULTIPLE BROADCAST SOURCES

Mail Stop Appeal Brief-Patents
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Applicants appeal the status of Claims 1–19 as rejected in the final Office Action

dated December 30, 2009, pursuant to the Notice of Appeal filed concurrently herewith

and submit this appeal brief.

TABLE OF CONTENTS:

1.   **Real Party in Interest**

The real party in interest is THOMSON LICENSING S.A., the assignee of the

entire right title and interest in and to the subject application by virtue of an assignment

recorded with the Patent Office on **November 12, 1998** at reel/frame **9585/0746**.

2.   **Related Appeals and Interferences**

None.

3.   **Status of Claims**

Claims 1–19 are pending. Claims 1–19 stand rejected and are under appeal.

A copy of the Claims 1–19 is presented in Section 8 below.

4.   **Status of Amendments**

No response was made to the Final Office Action of 12/30/09 before the filing of

this Appeal Brief and, as such, the claims stand as previously rejected.

5.   **Summary of Claimed Subject Matter**

Independent Claim 1 is directed to a system comprising:

a processor for providing an electronic program guide (EPG) (p. 4, lns 18–21 and

FIG. 1, blocks 60, 62, and 64), the EPG operable by a user (1) to select a first program

and a second program received from corresponding programs sources (p. 7, ln 21) and

(2) to select a first program processing function for the first program (p. 7, ln 22) and (3)

to select a second program processing function for the second program (p. 7, ln 22);

a tuner operable by the processor (p. 4, lns 21–22 and FIG. 1, block 100) to

receive (1) for the first program, first current time reference information from a first

corresponding program source, wherein the first current time reference information

provides information for synchronizing a scheduling clock with a clock of the first

corresponding program source (p. 4, ln 27 through p. 5, ln 11, p. 10, lns 33–35, and FIG.

2, blocks 210, 215, and 220), and (2) for the second program, second current time

reference information from a second corresponding program source, wherein the second

current time reference information provides information for synchronizing a scheduling

clock with a clock of the second corresponding program source (p. 4, ln 27 through p. 5,

ln 11, p. 10, lns 33–35, and FIG. 2, blocks 210, 215, and 220);

the processor programmed to synchronize the current time of day of a first

scheduling clock with the current time of day of the clock of the first corresponding

program source based on the first current time reference information (p. 4, ln 27 through

p. 5, ln 11, p. 10, lns 33–35, and FIG. 2, blocks 210, 215, and 220);

the processor programmed to initiate the first program processing function based

upon the first scheduling clock (p. 10, lines 7–10 and FIG. 2, block 225);

the processor programmed to initiate the second program processing function

based upon a second scheduling clock (p. 10, lines 7–10 and FIG. 2, block 225); and

the processor programmed to ensure that the second scheduling clock is

synchronized with the current time of day of the clock of the second corresponding

program source during initiation of the second program processing function by

synchronizing the current time of day of the second scheduling clock with the current

time of day of the clock of the second corresponding program source based on the second

current time reference information prior to initiation of the second program processing

function (p. 6, lns 26–29).

Independent Claim 16 recites a method comprising:

receiving, by an electronic program guide, (1) selection of a first program and a

second program, the first and second programs provided by corresponding first and

second program sources (p. 7, ln 21 and FIG. 2, block 203), (2) selection of a first

program processing function for the first program (p. 7, ln 22 and FIG. 2, block 203, and

(3) selection of a second program processing function for the second program (p. 7, ln 22

and FIG. 2, block 203);

receiving, by a tuner, (1) a first current time reference information from the first

program source, wherein the first current time reference information provides information

for synchronizing a scheduling clock with a clock of the first program source (p. 4, ln 27

through p. 5, ln 11, p. 10, lns 33–35, and FIG. 2, blocks 210, 215, and 220), and (2) a

second current time reference information from the second program source, wherein the

second current time reference information provides information for synchronizing a

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scheduling clock with a clock of the second program source (p. 4, ln 27 through p. 5, ln 11, p. 10, lns 33–35, and FIG. 2, blocks 210, 215, and 220);

synchronizing the current time of day of a first scheduling clock with the current time of day of the clock of the first program source based on the first current time reference information (p. 4, ln 27 through p. 5, ln 11, p. 10, lns 33–35, and FIG. 2, blocks 210, 215, and 220);

initiating the first program processing function, for the first program, based upon the first scheduling clock (p. 10, lines 7–10 and FIG. 2, block 225);

initiating the second program processing function, for the second program, based upon a second scheduling clock (p. 10, lines 7–10 and FIG. 2, block 225); and

ensuring that the second scheduling clock is synchronized with the current time of day of the clock of the second program source during initiation of the second program processing function by synchronizing the current time of day of the second scheduling clock with the current time of day of the clock of the second program source based on the second current time reference information prior to initiation of the second program processing function (p. 6, lns 26–29).

6.   Grounds of Rejection to be Reviewed on Appeal

Claims 1–2, 4–6, 10–11, and 13–17 stand rejected under 35 U.S.C. § 102(b) as

being anticipated by U.S. Patent No. 5,479,268 to Young et al. (hereinafter "Young").

Claims 1 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

U.S. Patent No. 6,208,799 to Marsh et al. (hereinafter "Marsh") in view of U.S. Patent No.

5,801,787 to Schein et al. (hereinafter "Schein").

Claims 3 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Young in view of U.S. Patent No. 5,619,274 to Roop et al. (hereinafter "Roop").

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Young

in view of Program and System Information Protocol for Terrestrial Broadcast and Cable

(hereinafter "ATSC") and further in view of U.S. Patent No. 5,561,461 to Landis et al.

(hereinafter "Landis").

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over

Young in view of ATSC.

Claims 8–9 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable

over Young in view of U.S. Patent No. 5,808,694 to Usui et al. (hereinafter "Usui").

It should be noted that the rejection of claims 1 and 16 under § 103(a) is merely

cumulative with the rejection of claims 1 and 16 under § 102(b). Because the present

claims do not represent any of the exceptions enumerated in MPEP § 706.02(I), and because

the rejections are deficient in the same respect, issuing redundant rejections was improper.

The preceding rejection under 35 U.S.C. §§ 102(b) and 103(a) are presented for

review in this Appeal with respect to Claims 1–19, as argued with respect to independent

Claims 1 and 16. It should be noted that, in addition to the patentable subject matter that

they inherit from the independent claims, Claims 3 and 18 include additional patentable

subject matter that is argued separately.

Regarding the grouping of the claims with respect to the rejection under 35 U.S.C.

§102(b) of Claims 1–2, 4–6, 10–11, and 13–17, Claims 2, 4–6, 10–11, and 13–15 stand or

fall with Claim 1 due to their respective dependencies therefrom. Claim 17 stands or falls

with claim 16 due to its dependency therefrom. With respect to the rejections under 35

U.S.C. § 103(a) of Claims 3, 7–9, 12, and 18–19, Claims 7–9 and 12 stand or fall with

Claim 1 due to their respective dependencies therefrom, because the additional art does

not cure the deficiencies that will be discussed below. Similarly, Claim 19 stands or falls

with Claim 16 due to its respective dependency therefrom because the additional art does

not cure the deficiencies that will be discussed below.

Claims 3 and 18 stand with independent claims 1 and 16, respectively, meaning that

they are patentable if the independent claims are patentable. However, because claims 3 and

18 include separately patentable subject matter, they do not fall with claims 1 and 16

respectively. Rather, claims 3 and 18 also stand or fall alone with respect to the additional

patentable subject matter that they recite.

7.   **Argument**

A.   **Introduction**

In general, the present invention is directed to a system and method for processing

programs and system timing information derived from multiple broadcast sources

(Applicant's Specification, Title). As disclosed in the Applicant's specification, page 2,

lines 9–17:

> A number of problems may arise in a digital video system in processing
>
> system timing and program specific information from multiple broadcast
>
> sources. Specifically, problems arise in the use of the system timing
>
> information for scheduling program processing functions and for displaying
>
> a current time to a user. Problems also arise in providing a conditional
>
> access system that uses accurate program content rating information in
>
> authorizing access to programs whilst also providing desirable features such
>
> as the ability for a user to optionally override a previously set content rating
>
> limit. Thus there is a need to solve these problems and derivative problems.

Advantageously, a system (Claim 1) and a method (Claim 16) are introduced which

include novel features not shown in the cited references and that have already been pointed

out to the Examiner. These features provide advantages over the prior art and dispense with

prior art problems such as those described above with reference to the Applicant's

specification.

It is respectfully asserted that independent Claims 1 and 16 are each patentably

distinct and non-obvious over the cited references in their own right. For example, the

below-identified elements of independent Claims 1 and 16 are not shown in any of the

cited references, either taken singly or in any combination. Moreover, these Claims are

distinct from each other in that they are directed to different implementations and/or

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include different elements. For example, Claim 1 is directed to a system, whereas Claim 16 is directed to a method. Accordingly, each of independent Claims 1 and 16 represent separate features/implementations of the invention that are separately novel and non-obvious with respect to the prior art and to the other claims. As such, independent Claims 1 and 16 are separately patentable and are each presented for review in this appeal.

B.   Whether Claims 1–2, 4–6, 10–11, and 13–17 are Anticipated by U.S. Patent

No. 5,479,268 to Young et al.

"A claim is anticipated only if each and every element as set forth in the claim is

found, either expressly or inherently described, in a single prior art reference." MPEP §

2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir.

1987)).

The Examiner rejected Claims 1–2, 4–6, 10–11, and 13–17 as being anticipated by

U.S. Patent No. 5,479,268 to Young et al. (hereinafter "Young"). The Examiner contends

that the cited reference shows all the elements recited in Claim 1–2, 4–6, 10–11, and 13–17.

Young is directed to a TV scheduling system and process. Young, Title. While

Young appears to be directed to a similar art as that occupied by the present invention, there

are significant features which set the reference apart which will be discussed in detail

below.

It will be shown herein below that the elements of Claims 1–2, 4–6, 10–11, and 13–

17 reproduced herein are not shown in the cited references, and that Claims 1–2, 4–6, 10–

11, and 13–17 should be allowed.

B1.   Claims 1–2, 4–6, 10–11, and 13–17

Initially, it is respectfully pointed out to the Examiner that Claims 2, 4–6, 10–11,

and 13–15 directly or indirectly depend from independent Claim 1. Thus, Claims 2, 4–6,

10–11, and 13–15 include all the elements of Claim 1. Further, it is respectfully pointed

out that Claim 17 depends from independent Claim 16. Thus Claim 17 includes all of the

elements of Claim 16.

Further, it is also respectfully pointed out that Claims 1–2, 4–6, 10–11, and 13–15

(with the following applicable to Claims 2, 4–6, 10–11, and 13–15 by virtue of their

respective dependencies from Claim 1) recite, *inter alia*:

> synchronizing the current time of day of the second scheduling clock with
> the current time of day of the clock of the second corresponding program
> source based on the second current time reference information prior to
> initiation of the second program processing function

Moreover, it is respectfully pointed out that Claims 16–17 (with the following

applicable to Claim 17 by virtue of its dependency from Claim 16) recite, *inter alia*:

> synchronizing the current time of day of the second scheduling clock with
> the current time of day of the clock of the second program source based on
> the second current time reference information prior to initiation of the
> second program processing function

Preliminarily, it is worth noting that the Examiner seems to have an inaccurate

understanding of the meaning of the word "synchronize." As Webster's New Universal

Unabridged Dictionary (hereinafter "Webster's") defines the word to mean, "to cause to

indicate the same time, as one timepiece with another." In other words, synchronizing a

clock with a particular time means *setting or changing the clock to that time*. This is the

plain meaning of the term. Throughout the rejections, the Examiner has interpreted

"synchronize" to include a mere comparison of clocks (i.e., determining whether the two

clocks have the same time at that moment). However, such a comparison cannot be

interpreted to mean *causing* the compared clocks to indicate the same time.

The Examiner expressed disagreement with this interpretation, stating in the Final

Office Action, "The Examiner respectfully disagrees and notes that the definition

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provided by Applicant does not require any 'setting' or 'changing,' only an indication ('to indicate')." The Examiner appears not to have considered the other words of the definition, which state, "**to cause to** indicate the same time." The Examiner asserts that there is no setting or change, but the definition explicitly states that synchronization *causes* one thing to indicate the same time as another.

Moving on to the particulars of Young, the Examiner asserts that Young teaches the above-quoted element by comparing a system clock to a scheduled time. The Examiner states that, because the system time matching the scheduled time is a condition for performing a recording operation in Young, such a comparison naturally takes place prior to the initiation.

However, as described above, comparing a clock to a particular time *cannot* be reasonably interpreted as synchronizing a clock. As Webster's shows, synchronization of clocks involves *causing* one clock to show the same time as another. Simply observing whether this condition has naturally occurred does not suffice.

As the present specification describes on page 6, lines 30–37, it is possible to have substantial differences in the clocks of varying program sources, and so it is advantageous to match the system's clock with that of the new program source in order to accurately time a subsequent initiation of processing. Young does not describe changing the system clock *prior to initiation of the processing function*. Therefore, it is respectfully asserted that Young fails to disclose or suggest synchronizing the current time of day of a second scheduling clock with the current time of day of the clock of a second corresponding program source prior to initiation of a second program processing function.

The Examiner responds by stating, "Young is not required to teach changing the

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system clock *prior to initiation of the processing function.*" In so stating, the Examiner has

ignored the plain language of the claim. To repeat, the claims state in relevant part,

"synchronizing the current time of day of the second scheduling clock with the current time

of day of the clock of the second corresponding program source … **prior to initiation of**

the second program processing function." The Examiner's assertion that Young need not

read on this element defies MPEP § 2131 which states, "A claim is anticipated only if each

and every element as set forth in the claim is found, either expressly or inherently described,

in a single prior art reference."

As such, Young fails to teach the above-recited elements of Claims 1–2, 4–6, 10–

11, and 13–17.

Accordingly, Claims 1–2, 4–6, 10–11, and 13–17 are patentably distinct and non-

obvious over Young for at least the reasons set forth above. Therefore, withdrawal of the

rejection and allowance of Claims 1–2, 4–6, 10–11, and 13–17 is earnestly requested.

C.   Whether Claims 1 and 16 are Unpatentable under 35 U.S.C. § 103(a) over U.S.

Patent No. 6,208,799 to Marsh et al. in view of U.S. Patent No. 5,801,787 to

Schein et al.

The failure of an asserted combination to teach or suggest each and every feature

of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section

2143.03 of the MPEP requires the "consideration" of every claim feature in an

obviousness determination. To render a claim unpatentable, however, the Office must do

more than merely "consider" each and every feature for this claim. Instead, the asserted

combination of the patents must also teach or suggest each and every claim feature. *See In*

re Royka, 490 F.2d 981 (CCPA 1974) (emphasis added) (to establish prima facie

obviousness of a claimed invention, all the claim features must be taught or suggested by

the prior art). Indeed, as the Board of Patent Appeal and Interferences has recently

confirmed, a proper obviousness determination requires that an Examiner make "a

searching comparison of the claimed invention — including all its limitations — with the

teaching of the prior art." *See In re Wada and Murphy*, Appeal 2007-3733, citing *In re*

Ochiai, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). "If an independent

claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is

nonobvious." MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

The Examiner presented a rejection of Claims 1 and 16 that is cumulative with the

rejection discussed in part B., stating that Claims 1 and 16 are unpatentable over U.S. Patent

No. 6,208,799 to Marsh et al. (hereinafter "Marsh") in view of U.S. Patent No. 5,801,787 to

Schein et al. (hereinafter "Schein").

Marsh is directed to VCR recording timeslot adjustment. Marsh, Title. While

Marsh appears to be directed to a similar art as that occupied by the present invention, there

are significant features which set the reference apart which will be discussed in detail

below.

Schein is directed to a television schedule system and method of operation for

multiple program occurrences. By the Examiner's own admission, Schein is only

introduced to teach receiving time data from multiple sources and therefore cannot cure the

deficiencies of Marsh.

It will be shown herein below that the elements of Claims 1 and 16 reproduced

herein are not shown in the cited references, and that Claims 1 and 16 should be allowed.

C1.   Claims 1 and 16

It is respectfully pointed out that Claim 1 recites, *inter alia*:

synchronizing the current time of day of the second scheduling clock with
the current time of day of the clock of the second corresponding program
source based on the second current time reference information prior to
initiation of the second program processing function

Moreover, it is respectfully pointed out that Claim 16 recites, *inter alia*:

synchronizing the current time of day of the second scheduling clock with
the current time of day of the clock of the second program source based on
the second current time reference information prior to initiation of the
second program processing function

Preliminarily, it is worth noting that the Examiner seems to have an inaccurate

understanding of the meaning of the word "synchronize." As Webster's New Universal

Unabridged Dictionary (hereinafter "Webster's") defines the word to mean, "to cause to

indicate the same time, as one timepiece with another." In other words, synchronizing a

clock with a particular time means *setting or changing the clock to that time.* This is the

plain meaning of the term. Throughout the rejections, the Examiner has interpreted

"synchronize" to include a mere comparison of clocks (i.e., determining whether the two

clocks have the same time at that moment). However, such a comparison cannot be

interpreted to mean *causing* the compared clocks to indicate the same time.

 The Examiner expressed disagreement with this interpretation, stating in the Final

Office Action, "The Examiner respectfully disagrees and notes that the definition

provided by Applicant does not require any 'setting' or 'changing,' only an indication ('to

indicate')." The Examiner appears not to have considered the other words of the

definition, which state, "**to cause to** indicate the same time." The Examiner asserts that

there is no setting or change, but the definition explicitly states that synchronization

causes one thing to indicate the same time as another.

 Moving on to the particulars of the cited art, the Examiner asserts that Marsh

teaches this element in checking whether a scheduled time has arrived. However, Marsh

simply shows a comparison of times and does not actually disclose or suggest *synchronizing*

a clock prior to initiating a processing function. This fact is made abundantly clear by

FIG. 7, step 83, which loops if the current time is not equal to a time stored in VCR-

RECORD-TIMER.

 As described above, "synchronize" is defined as *causing* something to indicate the

same time. There can be no synchronization if all that the reference is doing is passively

waiting for two clocks to align.

Furthermore, by the Examiner's own admission, Schein is simply introduced to show the use of multiple programming sources. Schein does not in any way deal with the synchronization of clocks. It is therefore respectfully asserted that Marsh and/or Schein, taken alone or in combination, fail to disclose or suggest synchronizing the current time of day of a second scheduling clock with the current time of day of the clock of a second program source prior to the initiation of a second processing function.

The Examiner responds by arguing that the cited art is not required to teach changing the system clock prior to initiation of the processing function. In so stating, the Examiner has ignored the plain language of the claim. To repeat, the claims state in relevant part, "synchronizing the current time of day of the second scheduling clock with the current time of day of the clock of the second corresponding program source … prior to initiation of the second program processing function." To form a prima facie case for obviousness, it is necessary to account for *all* of the elements of the claims — the Examiner has not done so.

As such, Marsh and/or Schein, taken alone or in combination, fail to teach the above-recited elements of Claims 1 and 16.

Accordingly, Claims 1 and 16 are patentably distinct and non-obvious over Marsh and Schein for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claims 1 and 16 is earnestly requested.

D.   **Whether Claims 3 and 18 are Unpatentable under 35 U.S.C. § 103(a) over U.S.**

    Patent No. 5,479,268 to Young et al. in view of U.S. Patent No. 5,619,274 to

    Roop et al.

The failure of an asserted combination to teach or suggest each and every feature

of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section

2143.03 of the MPEP requires the "consideration" of every claim feature in an

obviousness determination. To render a claim unpatentable, however, the Office must do

more than merely "consider" each and every feature for this claim. Instead, the asserted

combination of the patents must also teach or suggest each and every claim feature. *See In*

re Royka, 490 F.2d 981 (CCPA 1974) (emphasis added) (to establish prima facie

obviousness of a claimed invention, all the claim features must be taught or suggested by

the prior art). Indeed, as the Board of Patent Appeal and Interferences has recently

confirmed, a proper obviousness determination requires that an Examiner make "a

searching comparison of the claimed invention — including all its limitations — with the

teaching of the prior art." *See In re Wada and Murphy*, Appeal 2007-3733, citing *In re*

Ochiai, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). "If an independent

claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is

nonobvious." MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

The Examiner rejected Claims 3 and 18 as being unpatentable over U.S. Patent No.

5,479,268 to Young et al. (hereinafter "Young") in view of U.S. Patent No. 5,619,274 to

Roop et al. (hereinafter "Roop"). The Examiner contends that the cited combination shows

all the elements recited in Claims 3 and 18.

Young is directed to a TV scheduling system and process. Young, Title. While

Young appears to be directed to a similar art as that occupied by the present invention, there

are significant features which set the reference apart which will be discussed in detail

below.

The Examiner introduces Roop to teach the inhibition of a discontinuous change in

the display of a current time-of-day. Roop is directed to a television schedule information

transmission and utilization system and process. *See* Roop, Title. The Examiner points to

Roop automatically changing its time in accordance with daylight savings time but, as will

be shown below, daylight savings time explicitly *introduces* a discontinuous change of one

hour in a clock's time.

It will be shown herein below that the elements of Claims 3 and 18 reproduced

herein are not shown in the cited references, and that Claims 3 and 18 should be allowed.

D1.   Claims 3 and 18

Initially, it is respectfully pointed out to the Examiner that Claims 3 and 18

directly or indirectly depend from independent Claims 1 and 16 respectively. Thus,

Claims 3 and 18 include all the elements of Claims 1 and 16 respectively.

Further, it is also respectfully pointed out that Claim 3 (with the following

applicable to Claim 3 by virtue of its dependency from Claim 1) recites, *inter alia*:

> synchronizing the current time of day of the second scheduling clock with
> the current time of day of the clock of the second corresponding program
> source based on the second current time reference information prior to
> initiation of the second program processing function

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Moreover, it is respectfully pointed out that Claim 18 (with the following applicable

to Claim 18 by virtue of its dependency from Claim 16) recites, *inter alia*:

> synchronizing the current time of day of the second scheduling clock with
> the current time of day of the clock of the second program source based on
> the second current time reference information prior to initiation of the
> second program processing function

Preliminarily, it is worth noting that the Examiner seems to have an inaccurate

understanding of the meaning of the word "synchronize." As Webster's New Universal

Unabridged Dictionary (hereinafter "Webster's") defines the word to mean, "to cause to

indicate the same time, as one timepiece with another." In other words, synchronizing a

clock with a particular time means *setting or changing the clock to that time*. This is the

plain meaning of the term. Throughout the rejections, the Examiner has interpreted

"synchronize" to include a mere comparison of clocks (i.e., determining whether the two

clocks have the same time at that moment). However, such a comparison cannot be

interpreted to mean *causing* the compared clocks to indicate the same time.

The Examiner expressed disagreement with this interpretation, stating in the Final

Office Action, "The Examiner respectfully disagrees and notes that the definition

provided by Applicant does not require any 'setting' or 'changing,' only an indication ('to

indicate')." The Examiner appears not to have considered the other words of the

definition, which state, "**to cause to** indicate the same time." The Examiner asserts that

there is no setting or change, but the definition explicitly states that synchronization

causes one thing to indicate the same time as another.

Moving on to the particulars of Young, the Examiner asserts that Young teaches

the above-quoted element by comparing a system clock to a scheduled time. The Examiner

states that, because the system time matching the scheduled time is a condition for

performing a recording operation in Young, such a comparison naturally takes place prior to

the initiation.

However, as described above, comparing a clock to a particular time *cannot* be

reasonably interpreted as synchronizing a clock. As Webster's shows, synchronization of

clocks involves *causing* one clock to show the same time as another. Simply observing

whether this condition has naturally occurred does not suffice.

As the present specification describes on page 6, lines 30–37, it is possible to have

substantial differences in the clocks of varying program sources, and so it is advantageous

to match the system's clock with that of the new program source in order to accurately time

a subsequent initiation of processing. Young does not describe changing the system clock

prior to initiation of the processing function.

Roop cannot cure the deficiencies of Young described above. The Examiner

introduces Roop solely to account for inhibiting discontinuous change in a clock, and the

reference does not in any way address the synchronization of a clock prior to the initiation

of a processing function. Therefore, it is respectfully asserted that Young and/or Roop,

taken alone or in combination, fail to disclose or suggest synchronizing the current time of

day of a second scheduling clock with the current time of day of the clock of a second

corresponding program source prior to initiation of a second program processing function.

The Examiner responds by stating, "Young is not required to teach changing the

system clock *prior to initiation of the processing function.*" In so stating, the Examiner has

ignored the plain language of the claim. To repeat, the claims state in relevant part,

"synchronizing the current time of day of the second scheduling clock with the current time

of day of the clock of the second corresponding program source ... **prior to initiation of**

the second program processing function." To form a prima facie case for obviousness, it

is necessary to account for all of the elements of the claims — the Examiner has not done

so.

Further, it is also respectfully pointed out that Claim 3 recites, *inter alia*:

the system further comprises a filter for filtering the output to inhibit a
discontinuous change in the current time reference information from causing
a discontinuous change in the display of the current time-of-day, and for
providing the filtered output to the display.

It is also respectfully pointed out that Claim 18 recites, *inter alia*:

filtering the first current time reference information and the second current
time reference information to smooth a discontinuous change between the
first and second current time reference information.

The Examiner concedes that Young does not teach these elements, but asserts that

Roop teaches them in a discussion of setting a time for daylight savings changes.

However, the Examiner asserts that changing the time for daylight savings is

somehow *preventing* a time discontinuity. This is patently false. Changing the clock for

daylight savings time *necessarily* involves introducing a discontinuity of one hour.

Indeed, the entire *purpose* of daylight savings time is to produce just such a discontinuity.

As such, rather than inhibiting a discontinuous change in the display of the current time,

Roop explicitly provides a means for effecting such a change, and treats it as a distinct

feature.

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The Examiner responds by saying, "While the concept of changing daylight savings time **may cause a time discontinuity on a global scale**, in view of the Young and Roop references as a whole, if daylight savings is not compensated for while broadcasting stations have compensated for daylight savings time, a time discontinuity is introduced." (Emphasis added.) Again, the Examiner appears not to have read the actual language of the claims.

For example, claim 1 explicitly recites "filtering the output to inhibit a discontinuous change in the current time reference information **from causing a discontinuous change in the display** of the current time-of-day." Many clocks automatically compensate for daylight savings time, and anyone who owns such a clock or has observed one can attest that, at the moment of change, the displayed time shifts by one hour. This is a *discontinuous change*. To quote from the present specification, "The second time clock is different to the scheduling clock and is generated to prevent time change discontinuities that occur in the scheduling clock from being displayed and from disturbing a user." Present specification, p. 11, lns 11–14.

The Examiner appears to have entirely missed this section of the specification and, indeed, of the claims. Roop is wholly inapposite and, in fact, introduces precisely the kind of discontinuous change which claims 3 and 18 seek to prevent.

It is therefore respectfully asserted that Young and/or Roop, taken alone or in combination, fail to disclose or suggest filtering the output to inhibit a discontinuous change in the current time reference information from causing a discontinuous change in the display of the current time-of-day, or for providing such filtered output to a display.

As such, Young and/or Roop, taken alone or in combination, fail to teach the above-recited elements of Claims 3 and 18.

Accordingly, Claims 3 and 18 are patentably distinct and non-obvious over Young and Roop for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claims 3 and 18 is earnestly requested.

E.   Whether Claim 7 is Unpatentable under 35 U.S.C. § 103(a) over U.S. Patent

        No. 5,479,268 to Young et al. in view of Program and System Information

        Protocol for Terrestrial Broadcast and Cable and further in view of U.S.

        Patent No. 5,561,461 to Landis et al.

The failure of an asserted combination to teach or suggest each and every feature

of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section

2143.03 of the MPEP requires the "consideration" of every claim feature in an

obviousness determination. To render a claim unpatentable, however, the Office must do

more than merely "consider" each and every feature for this claim. Instead, the asserted

combination of the patents must also teach or suggest each and every claim feature. *See In

re Royka*, 490 F.2d 981 (CCPA 1974) (emphasis added) (to establish prima facie

obviousness of a claimed invention, all the claim features must be taught or suggested by

the prior art). Indeed, as the Board of Patent Appeal and Interferences has recently

confirmed, a proper obviousness determination requires that an Examiner make "a

searching comparison of the claimed invention — including all its limitations — with the

teaching of the prior art." *See In re Wada and Murphy*, Appeal 2007-3733, citing *In re

Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). "If an independent

claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is

nonobvious." MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

The Examiner rejected Claim 7 as being unpatentable over U.S. Patent No.

5,479,268 to Young et al. (hereinafter "Young") in view of Program and System

Information Protocol for Terrestrial Broadcast and Cable (hereinafter "ATSC") and further

in view of U.S. Patent No. 5,561,461 to Landis et al. (hereinafter "Landis"). The Examiner

contends that the cited combination shows all the elements recited in Claim 7.

Young is directed to a TV scheduling system and process. Young, Title. While

Young appears to be directed to a similar art as that occupied by the present invention, there

are significant features which set the reference apart which will be discussed in detail

below.

The Examiner introduces ATSC and Landis in order to show STT data that includes

a time reference indicator to establish a transmission time for a program. ATSC and Landis

cannot cure the deficiencies of Young which will be described.

It will be shown herein below that the elements of Claim 7 reproduced herein are

not shown in the cited references, and that Claim 7 should be allowed.

E1.   Claim 7

Initially, it is respectfully pointed out to the Examiner that Claim 7 depends from

independent Claims 1. Thus, Claim 7 includes all the elements of Claim 1.

Further, it is also respectfully pointed out that Claim 7 (with the following

applicable to Claim 7 by virtue of its dependency from Claim 1) recites, *inter alia*:

> synchronizing the current time of day of the second scheduling clock with
> the current time of day of the clock of the second corresponding program
> source based on the second current time reference information prior to
> initiation of the second program processing function

Preliminarily, it is worth noting that the Examiner seems to have an inaccurate

understanding of the meaning of the word "synchronize." As Webster's New Universal

Unabridged Dictionary (hereinafter "Webster's") defines the word to mean, "to cause to

indicate the same time, as one timepiece with another." In other words, synchronizing a

clock with a particular time means *setting or changing the clock to that time.* This is the

plain meaning of the term. Throughout the rejections, the Examiner has interpreted

"synchronize" to include a mere comparison of clocks (i.e., determining whether the two

clocks have the same time at that moment). However, such a comparison cannot be

interpreted to mean *causing* the compared clocks to indicate the same time.

The Examiner expressed disagreement with this interpretation, stating in the Final

Office Action, "The Examiner respectfully disagrees and notes that the definition

provided by Applicant does not require any 'setting' or 'changing,' only an indication ('to

indicate')." The Examiner appears not to have considered the other words of the

definition, which state, "**to cause to** indicate the same time." The Examiner asserts that

there is no setting or change, but the definition explicitly states that synchronization

causes one thing to indicate the same time as another.

Moving on to the particulars of Young, the Examiner asserts that Young teaches

the above-quoted element by comparing a system clock to a scheduled time. The Examiner

states that, because the system time matching the scheduled time is a condition for

performing a recording operation in Young, such a comparison naturally takes place prior to

the initiation.

However, as described above, comparing a clock to a particular time *cannot* be

reasonably interpreted as synchronizing a clock. As Webster's shows, synchronization of

clocks involves *causing* one clock to show the same time as another. Simply observing

whether this condition has naturally occurred does not suffice.

As the present specification describes on page 6, lines 30–37, it is possible to have

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substantial differences in the clocks of varying program sources, and so it is advantageous

to match the system's clock with that of the new program source in order to accurately time

a subsequent initiation of processing. Young does not describe changing the system clock

prior to initiation of the processing function.

ATSC and Landis cannot cure the deficiencies of Young described above. The

Examiner introduces these references solely to account for receiving STT data that can be

used to establish a transmission time for a program, and the references do not in any way

address the synchronization of a clock prior to the initiation of a processing function.

Therefore, it is respectfully asserted that Young, ATSC, and/or Landis, taken alone or in

combination, fail to disclose or suggest synchronizing the current time of day of a second

scheduling clock with the current time of day of the clock of a second corresponding

program source prior to initiation of a second program processing function.

The Examiner responds by stating, "Young is not required to teach changing the

system clock *prior to initiation of the processing function.*" In so stating, the Examiner has

ignored the plain language of the claim. To repeat, the claims state in relevant part,

"synchronizing the current time of day of the second scheduling clock with the current time

of day of the clock of the second corresponding program source ... **prior to initiation of**

the second program processing function." To form a prima facie case for obviousness, it

is necessary to account for all of the elements of the claims — the Examiner has not done

so.

As such, Young, ATSC, and/or Landis, taken alone or in combination, fail to

teach the above-recited element of Claim 7.

Accordingly, Claim 7 is patentably distinct and non-obvious over Young, ATSC,

and/or Landis for at least the reasons set forth above. Therefore, withdrawal of the

rejection and allowance of Claim 7 is earnestly requested.

F.   **Whether Claim 12 is Unpatentable over U.S. Patent No. 5,479,268 to Young et**

      al. in view of Program and System Information Protocol for Terrestrial

      Broadcast and Cable.

The failure of an asserted combination to teach or suggest each and every feature

of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section

2143.03 of the MPEP requires the "consideration" of every claim feature in an

obviousness determination. To render a claim unpatentable, however, the Office must do

more than merely "consider" each and every feature for this claim. Instead, the asserted

combination of the patents must also teach or suggest each and every claim feature. *See In*

re Royka, 490 F.2d 981 (CCPA 1974) (emphasis added) (to establish prima facie

obviousness of a claimed invention, all the claim features must be taught or suggested by

the prior art). Indeed, as the Board of Patent Appeal and Interferences has recently

confirmed, a proper obviousness determination requires that an Examiner make "a

searching comparison of the claimed invention — including all its limitations — with the

teaching of the prior art." *See In re Wada and Murphy*, Appeal 2007-3733, citing *In re*

Ochiai, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). "If an independent

claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is

nonobvious." MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

The Examiner rejected Claim 12 as being unpatentable over U.S. Patent No.

5,479,268 to Young et al. (hereinafter "Young") in view of Program and System

Information Protocol for Terrestrial Broadcast and Cable (hereinafter "ATSC"). The

Examiner contends that the cited combination shows all the elements recited in Claim 12.

Young is directed to a TV scheduling system and process. Young, Title. While

Young appears to be directed to a similar art as that occupied by the present invention, there

are significant features which set the reference apart which will be discussed in detail

below.

The Examiner introduces ATSC in order to show receiving STT data. ATSC

cannot cure the deficiencies of Young which will be described.

It will be shown herein below that the elements of Claim 12 reproduced herein are

not shown in the cited references, and that Claim 12 should be allowed.

F1.   Claim 12

Initially, it is respectfully pointed out to the Examiner that Claim 12 depends from

independent Claims 1. Thus, Claim 12 includes all the elements of Claim 1.

Further, it is also respectfully pointed out that Claim 12 (with the following

applicable to Claim 12 by virtue of its dependency from Claim 1) recites, *inter alia*:

> synchronizing the current time of day of the second scheduling clock with
> the current time of day of the clock of the second corresponding program
> source based on the second current time reference information prior to
> initiation of the second program processing function

Preliminarily, it is worth noting that the Examiner seems to have an inaccurate

understanding of the meaning of the word "synchronize." As Webster's New Universal

Unabridged Dictionary (hereinafter "Webster's") defines the word to mean, "to cause to

indicate the same time, as one timepiece with another." In other words, synchronizing a

clock with a particular time means *setting or changing the clock to that time*. This is the

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plain meaning of the term. Throughout the rejections, the Examiner has interpreted

"synchronize" to include a mere comparison of clocks (i.e., determining whether the two

clocks have the same time at that moment). However, such a comparison cannot be

interpreted to mean *causing* the compared clocks to indicate the same time.

The Examiner expressed disagreement with this interpretation, stating in the Final

Office Action, "The Examiner respectfully disagrees and notes that the definition

provided by Applicant does not require any 'setting' or 'changing,' only an indication ('to

indicate')." The Examiner appears not to have considered the other words of the

definition, which state, "**to cause to** indicate the same time." The Examiner asserts that

there is no setting or change, but the definition explicitly states that synchronization

causes one thing to indicate the same time as another.

Moving on to the particulars of Young, the Examiner asserts that Young teaches

the above-quoted element by comparing a system clock to a scheduled time. The Examiner

states that, because the system time matching the scheduled time is a condition for

performing a recording operation in Young, such a comparison naturally takes place prior to

the initiation.

However, as described above, comparing a clock to a particular time *cannot* be

reasonably interpreted as synchronizing a clock. As Webster's shows, synchronization of

clocks involves *causing* one clock to show the same time as another. Simply observing

whether this condition has naturally occurred does not suffice.

As the present specification describes on page 6, lines 30–37, it is possible to have

substantial differences in the clocks of varying program sources, and so it is advantageous

to match the system's clock with that of the new program source in order to accurately time

a subsequent initiation of processing. Young does not describe changing the system clock

prior to initiation of the processing function.

ATSC and Landis cannot cure the deficiencies of Young described above. The

Examiner introduces these references solely to account for receiving STT data that can be

used to establish a transmission time for a program, and the references do not in any way

address the synchronization of a clock prior to the initiation of a processing function.

Therefore, it is respectfully asserted that Young, ATSC, and/or Landis, taken alone or in

combination, fail to disclose or suggest synchronizing the current time of day of a second

scheduling clock with the current time of day of the clock of a second corresponding

program source prior to initiation of a second program processing function.

The Examiner responds by stating, "Young is not required to teach changing the

system clock *prior to initiation of the processing function.*" In so stating, the Examiner has

ignored the plain language of the claim. To repeat, the claims state in relevant part,

"synchronizing the current time of day of the second scheduling clock with the current time

of day of the clock of the second corresponding program source ... **prior to initiation of**

the second program processing function." To form a prima facie case for obviousness, it

is necessary to account for all of the elements of the claims — the Examiner has not done

so.

As such, Young and/or ATSC, taken alone or in combination, fail to teach the

above-recited element of Claim 12.

Accordingly, Claim 12 is patentably distinct and non-obvious over Young and/or

ATSC for at least the reasons set forth above. Therefore, withdrawal of the rejection and

allowance of Claim 12 is earnestly requested.

G.   **Whether Claims 8–9 and 19 are Unpatentable under 35 U.S.C. § 103(a) over**

U.S. Patent No. 5,479,268 to Young et al. in view of U.S. Patent No. 5,808,694

to Usui et al.

The failure of an asserted combination to teach or suggest each and every feature

of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section

2143.03 of the MPEP requires the "consideration" of every claim feature in an

obviousness determination. To render a claim unpatentable, however, the Office must do

more than merely "consider" each and every feature for this claim. Instead, the asserted

combination of the patents must also teach or suggest each and every claim feature. *See In*

re Royka, 490 F.2d 981 (CCPA 1974) (emphasis added) (to establish prima facie

obviousness of a claimed invention, all the claim features must be taught or suggested by

the prior art). Indeed, as the Board of Patent Appeal and Interferences has recently

confirmed, a proper obviousness determination requires that an Examiner make "a

searching comparison of the claimed invention — including all its limitations — with the

teaching of the prior art." *See In re Wada and Murphy*, Appeal 2007-3733, citing *In re*

Ochiai, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). "If an independent

claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is

nonobvious." MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

The Examiner rejected Claims 8–9 and 19 as being unpatentable over U.S. Patent

No. 5,479,268 to Young et al. (hereinafter "Young") in view of U.S. Patent No. 5,808,694

to Usui et al. (hereinafter "Usui"). The Examiner contends that the cited combination

shows all the elements recited in Claims 8–9 and 19.

Young is directed to a TV scheduling system and process. Young, Title. While Young appears to be directed to a similar art as that occupied by the present invention, there are significant features which set the reference apart which will be discussed in detail below.

The Examiner introduces Usui to teach the use of two separate time sources. Usui is directed to an electronic program guide system and electronic program guide displaying method, but Usui cannot cure the deficiencies of Young.

It will be shown herein below that the elements of Claims 8–9 and 19 reproduced herein are not shown in the cited references, and that Claims 8–9 and 19 should be allowed.

G1.   Claims 8–9 and 19

Initially, it is respectfully pointed out to the Examiner that Claims 8–9 directly or indirectly depend from independent Claim 1. Thus, Claims 8–9 include all the elements of Claims 1. It is also respectfully pointed out that Claim 19 depends from Claim 16. Thus, Claim 19 includes all of the elements of Claim 16.

Further, it is also respectfully pointed out that Claims 8–9 (with the following applicable to Claims 8–9 by virtue of their dependencies from Claim 1) recite, *inter alia*:

> synchronizing the current time of day of the second scheduling clock with
> the current time of day of the clock of the second corresponding program
> source based on the second current time reference information prior to
> initiation of the second program processing function

Moreover, it is respectfully pointed out that Claim 19 (with the following applicable to Claim 19 by virtue of its dependency from Claim 16) recites, *inter alia*:

synchronizing the current time of day of the second scheduling clock with

the current time of day of the clock of the second program source based on

the second current time reference information prior to initiation of the

second program processing function

Preliminarily, it is worth noting that the Examiner seems to have an inaccurate

understanding of the meaning of the word "synchronize." As Webster's New Universal

Unabridged Dictionary (hereinafter "Webster's") defines the word to mean, "to cause to

indicate the same time, as one timepiece with another." In other words, synchronizing a

clock with a particular time means *setting or changing the clock to that time*. This is the

plain meaning of the term. Throughout the rejections, the Examiner has interpreted

"synchronize" to include a mere comparison of clocks (i.e., determining whether the two

clocks have the same time at that moment). However, such a comparison cannot be

interpreted to mean *causing* the compared clocks to indicate the same time.

The Examiner expressed disagreement with this interpretation, stating in the Final

Office Action, "The Examiner respectfully disagrees and notes that the definition

provided by Applicant does not require any 'setting' or 'changing,' only an indication ('to

indicate')." The Examiner appears not to have considered the other words of the

definition, which state, "**to cause to** indicate the same time." The Examiner asserts that

there is no setting or change, but the definition explicitly states that synchronization

causes one thing to indicate the same time as another.

Moving on to the particulars of Young, the Examiner asserts that Young teaches

the above-quoted element by comparing a system clock to a scheduled time. The Examiner

states that, because the system time matching the scheduled time is a condition for

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performing a recording operation in Young, such a comparison naturally takes place prior to the initiation.

However, as described above, comparing a clock to a particular time *cannot* be reasonably interpreted as synchronizing a clock. As Webster's shows, synchronization of clocks involves *causing* one clock to show the same time as another. Simply observing whether this condition has naturally occurred does not suffice.

As the present specification describes on page 6, lines 30–37, it is possible to have substantial differences in the clocks of varying program sources, and so it is advantageous to match the system's clock with that of the new program source in order to accurately time a subsequent initiation of processing. Young does not describe changing the system clock *prior to initiation of the processing function*.

Usui cannot cure the deficiencies of Young described above. The Examiner introduces Usui solely to account for the use of two separate time references, and Usui does not in any way address the synchronization of a clock prior to the initiation of a processing function. Therefore, it is respectfully asserted that Young and/or Usui, taken alone or in combination, fail to disclose or suggest synchronizing the current time of day of a second scheduling clock with the current time of day of the clock of a second corresponding program source prior to initiation of a second program processing function.

The Examiner responds by stating, "Young is not required to teach changing the system clock *prior to initiation of the processing function*." In so stating, the Examiner has ignored the plain language of the claim. To repeat, the claims state in relevant part, "synchronizing the current time of day of the second scheduling clock with the current time of day of the clock of the second corresponding program source ... **prior to initiation of**

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the second program processing function." To form a prima facie case for obviousness, it

is necessary to account for all of the elements of the claims — the Examiner has not done

so.

As such, Young and/or Usui, taken alone or in combination, fail to teach the

above-recited elements of Claims 8–9 and 19.

Accordingly, Claims 8–9 and 19 are patentably distinct and non-obvious over

Young and Usui for at least the reasons set forth above. Therefore, withdrawal of the

rejection and allowance of Claims 8–9 and 19 is earnestly requested.

H.   Conclusion

At least the above-identified limitations of the pending claims are not disclosed or

suggested by the teachings of the cited references. Accordingly, it is respectfully

requested that the Board reverse the rejections of Claim 1–19 under 35 U.S.C. §§ 102(b)

and 103(a).

Please charge the amount of $540.00, covering fee associated with the filing of the

Appeal Brief, to **Thomson Licensing Inc., Deposit Account No. 07-0832**. In the event

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Respectfully submitted,

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Date: <u>March 30, 2010</u>

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8.   CLAIMS APPENDIX

1.   (Previously presented) A system comprising:

a processor for providing an electronic program guide (EPG), the EPG operable

by a user (1) to select a first program and a second program received from corresponding

programs sources and (2) to select a first program processing function for the first

program and (3) to select a second program processing function for the second program;

a tuner operable by the processor to receive (1) for the first program, first current

time reference information from a first corresponding program source, wherein the first

current time reference information provides information for synchronizing a scheduling

clock with a clock of the first corresponding program source, and (2) for the second

program, second current time reference information from a second corresponding

program source, wherein the second current time reference information provides

information for synchronizing a scheduling clock with a clock of the second

corresponding program source;

the processor programmed to synchronize the current time of day of a first

scheduling clock with the current time of day of the clock of the first corresponding

program source based on the first current time reference information;

the processor programmed to initiate the first program processing function based

upon the first scheduling clock;

the processor programmed to initiate the second program processing function

based upon a second scheduling clock; and

the processor programmed to ensure that the second scheduling clock is

synchronized with the current time of day of the clock of the second corresponding

program source during initiation of the second program processing function by

synchronizing the current time of day of the second scheduling clock with the current

time of day of the clock of the second corresponding program source based on the second

current time reference information prior to initiation of the second program processing

function.

2.   (Previously presented) The system of claim 1, wherein the first current time

reference information provides a current time-of-day indication.

3.   (Previously presented) The system of claim 1, wherein:

        the system further comprising a display for displaying a current time-of-day to a

user;

        the processor is operable to provide an output for updating the display of the

current time-of-day based upon the first current time reference information; and

        the system further comprises a filter for filtering the output to inhibit a

discontinuous change in the current time reference information from causing a

discontinuous change in the display of the current time-of-day, and for providing the

filtered output to the display.

4.   (Previously presented) The system of claim 1, wherein the first programming

processing function is at least one selected from a group consisting of display, record and

playback.

5.   (Previously presented) The system of claim 4, wherein the group further

comprises: program transmission, program standards conversion, program encryption,

program decryption, program scrambling, and program decoding.

6.   (Previously presented) The system of claim 1, wherein the processor is

programmed to terminate the second program processing function based upon the second

scheduling clock.

7.   (Previously presented) The system of claim 12, wherein the tuner is operable to

received STT data that includes a time reference indicator and associated correction data

sufficient to establish a time of transmission of a program by a corresponding broadcast

source accurate to within about plus or minus 4 seconds.

8.   (Previously presented) The system of claim 1, wherein

        the tuner is operable to receive first current time reference information that is

based on a first time-of-day clock, and

        the tuner is operable to receive second current time reference information that is

based on a second time-of-day clock, with the second time-of-day clock being

unsynchronized with the first time-of-day clock.

9.   (Previously presented) The system of claim 8, wherein the tuner is operable to

receive:

first current time reference information that is based on a first time-of-day clock

generated at the first corresponding program source; and

second current time reference information that is based on a second time-of-day

clock generated at the second corresponding program source;

10.   (Previously presented) The system of claim 1, wherein the tuner is operable to

receive first current time reference information that comprises time-of-day information.

11.   (Previously presented) The system of claim 1, wherein the processor is

programmed to provide a first scheduling clock that is a time-of-day clock.

12.   (Previously presented) The system of claim 1, wherein the tuner is operable to

receive first and second current time reference information that comprises System Time

Table (STT) data of an MPEG compliant data stream.

13.   (Previously presented) The system of claim 1, wherein the tuner is operable to

receive the first current time reference information from a first corresponding program

source that is a broadcast source.

14.   (Previously presented) The system of claim 1, wherein:

        the system comprises a central scheduling clock,

        the processor is programmed to provide the first scheduling clock by updating the

central scheduling clock with time information generated based on the first current time

reference information, and

the processor is programmed to provide the second scheduling clock by updating

the central scheduling clock with time information generated based on the second current

time reference information.

15.   (Previously presented) The system of claim 1, wherein the processor is

programmed to simultaneously maintain, for at least a period of time, both the first

scheduling clock and the second scheduling clock.

16.   (Previously presented) A method comprising:

receiving, by an electronic program guide, (1) selection of a first program and a

second program, the first and second programs provided by corresponding first and

second program sources, (2) selection of a first program processing function for the first

program, and (3) selection of a second program processing function for the second

program;

receiving, by a tuner, (1) a first current time reference information from the first

program source, wherein the first current time reference information provides information

for synchronizing a scheduling clock with a clock of the first program source, and (2) a

second current time reference information from the second program source, wherein the

second current time reference information provides information for synchronizing a

scheduling clock with a clock of the second program source;

synchronizing the current time of day of a first scheduling clock with the current

time of day of the clock of the first program source based on the first current time

reference information;

initiating the first program processing function, for the first program, based upon the first scheduling clock;

initiating the second program processing function, for the second program, based upon a second scheduling clock; and

ensuring that the second scheduling clock is synchronized with the current time of day of the clock of the second program source during initiation of the second program processing function by synchronizing the current time of day of the second scheduling clock with the current time of day of the clock of the second program source based on the second current time reference information prior to initiation of the second program processing function.

17.   (Previously presented) The method of claim 16, wherein the first current time reference information provides a current time-of-day indication.

18.   (Previously presented) The method of claim 16, further comprising:

filtering the first current time reference information and the second current time reference information to smooth a discontinuous change between the first and second current time reference information;

producing a current time-of-day based on the filtered current time reference information; and

displaying the produced current time-of-day.

19.   (Previously presented) The method of claim 16, wherein:

the first current time reference information is based on a first time-of-day clock,

and

the second current time reference information is based on a second time-of-day

clock, with the second time-of-day clock being unsynchronized with the first time-of-day

clock.

9.   **RELATED EVIDENCE APPENDIX**

None.

10. <u>**RELATED PROCEEDINGS APPENDIX**</u>

None